

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 10/8/01 Item No. 4.d.

File Number  
PDC02-047

Application Type  
Planned Development Rezoning

Council District  
8

Planning Area  
Evergreen

Assessor's Parcel Number(s)  
652-13-001

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Mike Enderby

Location: East side of Ruby Avenue 250 feet northerly of Murillo Avenue

Gross Acreage: 2.17 Net Acreage: 2.07 Net Density: N/A

Existing Zoning: County Existing Use: 1,600 square-foot church

Proposed Zoning: A(PD) Planned Development Proposed Use: 27,000 square-foot church facility

### GENERAL PLAN

Completed by: ME

Land Use/Transportation Diagram Designation  
Very Low Density Residential (2 DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: ME

North: Single-family detached residential, vacant

County

East: Vacant

County

South: Vacant (approved church)

A(PD)

West: Single-family detached residential

R-1-8

### ENVIRONMENTAL STATUS

Completed by: ME

☐ Environmental Impact Report found complete  
☒ Negative Declaration pending adoption on October 8, 2003

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: ME

Annexation Title: Evergreen #189

Date: Pending

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT/DEVELOPER/OWNER

Akbar Syed  
South Bay Islamic Association (SBIA)  
325 N. Third Street  
San Jose, CA 95112

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**PUBLIC AGENCY COMMENTS RECEIVED**Completed by: ME

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**Department of Public Works**See conditions of approval.

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**Other Departments and Agencies**Fire Department.

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**GENERAL CORRESPONDENCE**

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See attached

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant, South Bay Islamic Association (SBIA), is requesting a Planned Development Rezoning of approximately 2.17 gross acres from County to A(PD) Planned Development Zoning District to allow a 27,000 square foot church facility. The site is the subject of a pending annexation (Evergreen No. 189) from the County to City of San Jose.

The subject site was originally developed with as a 1,600 square foot, single-story single-family house in the 1950's. The property was purchased by SBIA in 1989 and used for religious assembly purposes for 20-70 persons.

The existing site is configured as a flag lot with 120 feet of street frontage along Ruby Avenue. The majority of the 2.17-acre site area wraps around an existing single family house located on the unincorporated property next door. The site has moderate topography with slopes ranging from 8 to 12 percent. The site includes 22 existing non-native trees of various species of which six are ordinance size.

Surrounding uses include vacant land to the south. This adjacent site, however, was the subject of a Planned Development Rezoning (File PDC00-024) for a new 22,000 square foot church (Young-Nak Church) which was approved in 2001. This project has not yet started construction. Single-family detached houses are located to the west across Ruby Avenue. Vacant and/or rural residential uses are located on the adjacent unincorporated parcels to the north and east.

**Project Description**

The proposed church facility consists of two structures including a 3,000 square foot mosque facing Ruby Avenue and a 24,000 meeting hall/community center facility proposed to be located near the middle of the property approximately 220 feet from the street. The project will take access from a single driveway on Ruby Avenue. A small parking area is proposed within the narrow "throat" at the front of the property and on all sides of the proposed building. A total of 140 parking spaces are proposed. The church is anticipated to have a maximum capacity of 560 people. SBIA has indicated that their services and peak usage will be conducted on Fridays beginning at 1:30-2:00 in the afternoon.

The project is to be constructed in three phases, with phases one and two to construct the community building and phase three to be the mosque. The project is required to dedicate and improve its public street frontage along Ruby Avenue. The existing on-site structure will be demolished.

## **GENERAL PLAN CONFORMANCE**

The proposed rezoning is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Very Low Density Residential (2 DU/AC). The General Plan identifies churches as appropriate uses on sites with residential land use designations if the design is compatible with surrounding land uses. The project is consistent with other relevant General Plan policies pertaining to hillside development. The project is also located below the 15% slopline.

In 2001, a General Plan Text Amendment (File No. GP01-T-35) was approved to discourage new large, non-residential or institutional uses located next to each other on residentially designated areas. This includes facilities such as very large churches and schools. The General Plan recognizes the appropriateness of such facilities within residential neighborhoods and the need to accommodate such uses. This policy also recognizes the need to protect residential areas from uses that are not compatible in scale and character, or that may have negative impacts on a residential living environment.

This policy is not applicable to this project. The subject site has been used as a church facility since 1989. It is not the intent of the policy to inhibit or preclude the expansion of existing church facilities. However, the proposed project has been designed to be compatible with the surrounding residential area and minimize any negative impacts. The recently approved, but not yet built, Young-Nak Church located on the adjacent property was approved prior to adoption of this General Plan Amendment.

## **ENVIRONMENTAL REVIEW**

A Negative Declaration was granted on September 17, 2003. The primary environmental issues that were addressed include traffic and loss of trees. Other issues considered included potential geologic hazards and historic.

### Traffic

The City's CEQA significance threshold for traffic impacts is conformance to the Transportation Level of Service Policy. The proposed project is located in the area subject to the Evergreen Development Policy. The Public Works Department prepared an in-house traffic analysis based on the applicant's project description, which included a detailed listing and explanation of proposed uses and events to be conducted on the site. This project was evaluated in conjunction with potential traffic impacts of other approved projects, including nearby churches.

Based on this analysis, staff has determined that this project is in conformance with the Evergreen Development Policy, the operative policy document regarding traffic Level of Service (LOS) for this area. While this project will cause some additional traffic during traditional, non-peak commute hours and on weekends, the proposed church use is not anticipated to cause any significant traffic impacts beyond the capacity of nearby streets and signalized intersections during critical weekday

commute hours pursuant to the City's traffic policies. This is due to the fact that the hours of operation for a religious facility generates peak trips during off-peak commute hours, primarily on evenings or weekends. Conditions have been included in the project as reflected on the General Development Plan, commensurate with the applicant's intent for this project to restrict uses at the church facility to times that would not cause impacts to peak morning and late afternoon weekday commute hours. Similar conditions have been included for other church projects in the Evergreen area.

### Trees

A tree survey prepared for the site indicates that there are 22 trees of various species (no natives) existing on the project site. Of these trees, only six are ordinance size trees. All of the trees will be removed as a result of the necessary grading activities, but their loss will be mitigated in accordance with the City's tree replacement policies. Loss of these ordinance size trees would not constitute a significant impact since these trees will be replaced on site with 24" box trees or 15-gallon trees at standard mitigation ratios.

### Geologic Hazards

The proposed project site is not located within a City Geologic Hazard Zone. The site is located in the State of California Seismic Hazard Zone with the potential hazard of earthquake induced landsliding. At this time it is not certain that a Geologic Hazard Clearance (GHC) is required. A site specific report addressing the potential hazard of earthquake-induced landsliding (instability) must be submitted and reviewed by the City Geologist prior to approval of a Planned Development permit. This report will be based on the specific project details, which are beyond the scope required for this rezoning. If a GHC is required, it must be issued by the City Geologist prior to the Planned Development Permit. The project includes a broad range of potential mitigation measures to for impacts related to site instability.

### Historic Resources

The majority of the site is located within a known archaeologically sensitive area. The project includes a single-story ranch style house built circa 1940, which has undergone substantial alteration. The house is not listed on the California Register of Historical Resources, the National Register of Historic Places, of the City's Historic Resource Inventory. Based on analysis by staff the house is not eligible for inclusion on the City's Inventory and is not a significant historic resource. The project includes standard mitigation measures for archaeological impacts.

## **ANALYSIS**

The key issues analyzed as part of this project include: 1) conformance to the City Council Church Location Policy, Policy No. 6-21, 2) site and grading design, 3) neighborhood compatibility, and 4) architecture.

### Conformance to the Church Location Policy

The purpose of the Church Location Policy is to specify the minimum development standards for all new church development in the City. The proposed project conforms to all elements of the Church Location Policy. This policy was developed to ensure that churches are located on appropriately sized parcels to accommodate required parking (larger than one acre), maintain appropriate 25 foot building setbacks where adjacent to residential uses, and provide landscaping within the setbacks and parking areas.

### Site Design

The flag lot configuration of the site represents a significant site design constraint. Staff had encouraged the applicant to consider the purchase of the adjacent small existing single-family parcel that the subject site wraps around. This would substantially reduce the site design constraints. To date, attempts to purchase this adjoining parcel have been unsuccessful.

In accordance with general urban design policies, as noted in the City's Residential and Commercial Design Guidelines, the ideal site design would be to locate the building closer to Ruby Avenue. Siting the building within 25 to 40 feet of the front property line would provide screening of the majority of the parking from the street by placement of the building, as well as provide a better interface for adjoining residential properties. Given the configuration of the site and desire to maintain a 25-foot minimum building setback from all residentially zoned or designated properties, placement of the building within the "wider" area of the site was necessary.

The building location, as shown, represents the best site design compromise by balancing the competing objectives to provide appropriate setbacks from adjacent residential uses while maintaining a reasonably acceptable building presence from the street. Although a small parking lot is proposed between the building and the street, the majority of required parking spaces are discretely distributed along the sides and rear of the building in order to minimize the visual impact of what could otherwise be a large, continuous paved parking area. All parking areas provide good internal circulation and avoid the use of long or dead end parking aisles. Additional landscaping opportunities and site design refinements will be analyzed prior to the issuance of the Planned Development permit.

The proposed project will have a maximum capacity of 560 people. The project provides 140 parking spaces, which makes this proposal consistent with the City's Zoning Ordinance parking requirements for churches.

The two adjoining church projects have engaged in a cooperative dialog to provide internal cross access, reciprocal parking, and/or sharing a main driveway entrance to maximize the front setback landscape opportunities. Both churches are interested and are encouraged to enter into a shared parking agreement with each other. The hours for services for the two facilities will occur at different times of the day and days of the week. This makes the projects a good candidate for a mutually beneficial shared parking arrangement. However, due to the uncertainty about the construction schedules of the respective church facilities, it is not appropriate to allow the subject

project to provide a reduced number of parking spaces predicated on the completion of another project which has yet to be constructed.

### Neighborhood Compatibility

A 25-foot perimeter landscape area is proposed along the street. The use of a single driveway entrance allows the landscaping to be maximized across the project frontage. Landscape buffers of 10 feet will buffer parking areas from the adjacent residential uses.

The most sensitive interface is with the residence located in front of the subject flag lot, which sits below the proposed church facility. Although a 10-foot wide setback and landscape buffer is proposed adjacent to this residence, the most critical concern is the grading relationship. The proposed adjacent church parking area, particularly the area behind the adjacent property's rear property line will not be allowed to be padded-up. Staff has worked closely with the applicant to avoid any potential visual impacts of the adjacent parking area by keeping the grade elevation consistent or lower than the existing natural grade.

The project was modified, as part of the review process to break up the building mass into two structures as opposed to one larger building. The smaller, mosque structure, which will be about 3,000 square feet, will be located in the front. This building will be "cut" into the hill to allow the building to appear lower. The overall height of the mosque is about 40 feet to the peak its tallest roof element. The community building, comprising about 24,000 square feet will be two stories and has a maximum overall height of 47 feet. This structure will also be substantially cut into the hill to better enable the building to appear lower.

### Architecture

The proposed structures will have elements of varied height to add visual interest and to vary the massing. Sloped roof elements are provided on all edges of the buildings to be more consistent with general architectural form of the surrounding residential neighborhood. The proposed building walls are well articulated with well-detailed and trimmed windows. Stucco is proposed for the exterior clad. Flat concrete tile is proposed for the roofing material. Staff will work with the applicant to further refine the building design details and colors at the Planned Development Permit stage.

## **PUBLIC OUTREACH**

Notices for the public hearings, and environmental review were distributed to the owners and tenants of all properties located within 1000 feet of the project site.

## **RECOMMENDATION**

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Very Low Density Residential (2 DU/AC).

2. The project conforms to the Evergreen Development Policy.
3. The project conforms to the Church Location Policy.
4. The proposed project will be compatible with the surrounding neighborhood.